

**NINTH LEGISLATIVE DAY  
TUESDAY, JANUARY 14, 2003**

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused -- Sali. Total -- 1.  
Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Danielle Cooper, Page.

**Approval of Journal**

January 14, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO

**CERTIFICATE OF APPOINTMENT**

KNOW ALL MEN, by these Presents that Robert E. Schaefer, State Representative, District 12, Canyon County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Carol Schumacher, of Nampa, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, DIRK A. KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Carol Schumacher, Acting State Representative, District 12, Canyon County, State of Idaho, for a term commencing on January 14, 2003, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 14th day of January in the year of our Lord two thousand and three, and of the Independence of the United States of America, the two hundred and twenty-seventh year.

/s/ DIRK A. KEMPTHORNE

Governor  
/s/ BEN YSURSA  
Secretary of State

The Certificate of Appointment was ordered filed in the Office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Mrs. Schumacher.

**Report of Standing Committees**

January 14, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 2** to the Secretary of State at 11:55 a.m., as of this date, January 13, 2003.

FIELD(18), Chairman

January 13, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 62** and recommend it be referred to the Business Committee.

FIELD(18), Chairman

**H 62** was referred to the Business Committee.

January 13, 2003

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration **H 70** and recommend that it do pass.

SCHAEFER, Chairman

**H 70** was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 71  
BY JUDICIARY, RULES, AND ADMINISTRATION  
COMMITTEE  
AN ACT**

RELATING TO THE STATE BOARD OF CORRECTION; AMENDING SECTION 20-225, IDAHO CODE, TO INCREASE THE MAXIMUM AMOUNT OF SUPERVISION FEES THAT MAY BE COLLECTED BY THE BOARD; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 72  
BY JUDICIARY, RULES, AND ADMINISTRATION  
COMMITTEE  
AN ACT**

RELATING TO SMALL LAWSUIT RESOLUTION; AMENDING SECTION 7-1503, IDAHO CODE, TO REVISE NOTICE PROVISIONS, TO STRIKE REFERENCE TO CERTAIN COURT ISSUED SCHEDULING ORDERS AND SCHEDULING CONFERENCES, TO CLARIFY THAT COURTS MAY ORDER THAT CERTAIN CASES PROCEED TO TRIAL PURSUANT TO THE IDAHO RULES OF CIVIL PROCEDURE AND TO REVISE PROVISIONS RELATING TO REMOVAL OF CASES FROM THE EVALUATION PROCESS; AMENDING SECTION 7-1504, IDAHO CODE, TO CLARIFY JUDICIAL REFERENCES, TO CLARIFY THAT ASSIGNMENT OF CERTAIN JUDGES AS EVALUATORS SHALL BE MADE BY THE SUPREME COURT OR ADMINISTRATIVE JUDGE AND TO REVISE PROVISIONS RELATING TO THE SELECTION OF AN EVALUATOR; AMENDING SECTION 7-1505, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REQUESTS BY POTENTIAL EVALUATORS, TO REVISE PROVISIONS RELATING TO THE QUALIFICATION AND APPOINTMENT OF EVALUATORS, TO REVISE PROVISIONS RELATING TO THE DECLINATION OF AN APPOINTMENT, TO PROVIDE FOR RELEASE FROM APPOINTMENT AND TO PROVIDE FOR THE COMPENSATION OF CERTAIN SITTING OR SENIOR JUDGES; AMENDING SECTION 7-1506, IDAHO CODE, TO CLARIFY AND REVISE PROCEDURES RELATING TO EVALUATOR AUTHORITY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 7-1507, IDAHO CODE, TO CLARIFY CERTAIN DOCUMENTS TO WHICH A CLAIMANT IS ENTITLED; AMENDING SECTION 7-1508, IDAHO CODE, TO REVISE PREHEARING AND HEARING PROCEDURES; AMENDING SECTION 7-1509, IDAHO CODE, TO STRIKE REFERENCE TO AWARDS AND APPEALS, TO CLARIFY CERTAIN LIMITATIONS ON EVALUATOR DECISIONS, TO PROVIDE THAT CERTAIN COSTS AND ATTORNEY'S FEES SHALL BE AWARDED BY THE COURT, TO REVISE PROCEDURES FOR REQUESTS FOR TRIAL DE NOVO, TO STRIKE REFERENCE TO WRITTEN NOTICES OF APPEAL, TO STRIKE REFERENCE TO CERTAIN COURT ISSUED SCHEDULING ORDERS AND SCHEDULING CONFERENCES, TO PROVIDE FOR THE USE OF CERTAIN RECORDED STATEMENTS AT TRIALS DE NOVO, TO PROVIDE FOR CERTAIN VIOLATIONS BY ATTORNEYS OF PARTIES, TO PROVIDE FOR THE ASSESSMENT OF EVALUATOR FEES, TO PROVIDE FOR THE ASSESSMENT OF DESIGNATED COSTS AND FEES AGAINST CERTAIN PARTIES THAT REQUEST TRIALS DE NOVO, TO DEFINE "COSTS AND REASONABLE ATTORNEY'S FEES," TO PROVIDE FOR THE AWARD OF OTHER EXPERT WITNESS FEES AND EXPENSES, TO REVISE PROVISIONS AND PROCEDURES RELATING TO OFFERS OF COMPROMISE, TO REVISE CRITERIA RELATING TO THE DETERMINATION OF WHETHER A PARTY REQUESTING A TRIAL DE NOVO HAS IMPROVED ITS POSITION, TO REVISE PROVISIONS AND PROCEDURES RELATING TO PRESENTATION TO THE COURT OF A JUDGMENT AND ENTERING OF THE JUDGMENT, TO STRIKE REFERENCE TO THE AWARD OF CERTAIN WITNESS FEES AND

OTHER COSTS AND TO CLARIFY PROVISIONS RELATING TO THE APPLICATION OF OTHER STATUTES OR RULES REGARDING FEES OR COSTS; AMENDING SECTION 7-1510, IDAHO CODE, TO REVISE AND CLARIFY PROVISIONS RELATING TO THE RIGHT TO TRIAL; AMENDING SECTION 7-1512, IDAHO CODE, TO PROVIDE FOR CERTAIN STATISTICAL RECORDS, TO STRIKE REFERENCE TO APPEALS FROM EVALUATION AWARDS AND TO MAKE A TECHNICAL CORRECTION; DECLARING AN EMERGENCY, TO PROVIDE FOR APPLICATION AND TO PROVIDE A SUNSET CLAUSE.

#### **HOUSE BILL NO. 73**

##### **BY RING**

##### **AN ACT**

RELATING TO CIGARETTE TAX AND TAX ON TOBACCO PRODUCTS; AMENDING SECTION 63-2506, IDAHO CODE, TO INCREASE THE RATE OF TAX ON CIGARETTES AND TO INCREASE THE PERCENTAGE OF CIGARETTE TAX COLLECTED PER PACKAGE SUBJECT TO APPROPRIATION TO THE PUBLIC SCHOOL INCOME FUND; AND AMENDING SECTION 63-2552, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE RATE OF TAX ON CERTAIN TOBACCO PRODUCTS, TO DESIGNATE A DATE BY WHICH CERTAIN DISTRIBUTORS OF TOBACCO PRODUCTS SHALL FILE REPORTS AND PAY IMPOSED TAXES AND TO MAKE TECHNICAL CORRECTIONS.

**H 71, H 72, and H 73** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

#### **Second Reading of Bills and Joint Resolutions**

**HCR 4, HCR 5, HCR 6, and HCR 7**, by Judiciary, Rules, and Administration, were read the second time by title and filed for third reading.

**H 1**, by Lake, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Sixteenth Order of Business.

#### **Adjournment**

Mr. Denney moved that the House adjourn until 1 p.m., Wednesday, January 15, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:56 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk

